



MICHAEL A. CARDOZO  
Corporation Counsel

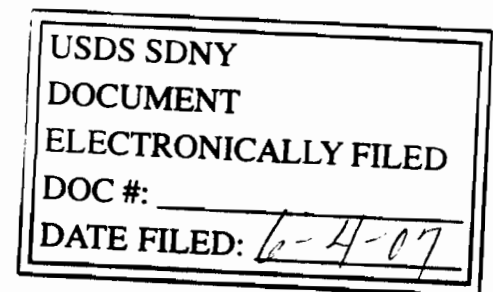
THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

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June 1, 2007

**BY FAX: (212) 805-6382**

Honorable Victor Marrero  
United States District Judge  
United States Courthouse  
500 Pearl St., Suite 660  
New York, New York, 10007



Re: Christopher Rowland v. City of New York, et al.

07 Civ. 3533 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent defendant City of New York. I am writing with respect to the above-referenced matter in which plaintiff alleges that he was falsely arrested and maliciously prosecuted. Defendant City respectfully requests an extension of time to respond to the complaint from June 5, 2007 until August 6, 2007. Plaintiff consents to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to C.P.L. § 160.50, so that defendant City can access the information, properly assess the case, and respond to this complaint.

In addition, the extension will allow this office time to determine, pursuant to Section 50-k of the New York General Municipal law, and based upon a review of the facts of the case, whether we may represent defendant officer Henry Zayas in this matter. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made by defendant City in this action. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to August 6, 2007.


Thank you for your consideration herein.

Respectfully submitted,



Douglas W. Heim (DH5238)  
Assistant Corporation Counsel  
Special Federal Litigation Division

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Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to <u>8-6-07</u>	
SO ORDERED.	
<u>6-4-07</u> DATE	 VICTOR MARRERO, U.S.D.J.